

State of California
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation

**NOTICE OF MODIFICATION TO TEXT OF
PROPOSED REGULATIONS**

(Subject Matter: Workers' Compensation
CLAIM FORM AND NOTICE OF POTENTIAL ELIGIBILITY; NOTICE TO NEW
EMPLOYEES POSTER; AND WRITTEN NOTICE TO NEW EMPLOYEES
Title 8, California Code of Regulations Sections 9810 et seq.)

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in him by Labor Code §§133, 138.4, 139.5, 3550, 3551, 3600, 4604.5, 4658.5, 4658.6, 5307.3 and 5401, proposes modify the text of the following proposed amendments to Title 8, California Code of Regulations:

Section 9880	Written Notice to New Employees
Section 9881	Posting of Notice to Employees
Section 9881.1	Notice to Employees Poster
Section 10118.1	Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

**PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION
OF WRITTEN COMMENTS**

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Marcela Reyes, Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on Wednesday, March 31, 2004. Written comments may be submitted by facsimile transmission (FAX), addressed to the contact person at (415) 703-4720. Written comments may also be sent electronically (via e-mail), using the following e-mail address: dwcrules@hq.dir.ca.gov.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for public review during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, at the offices of the Division of Workers' Compensation. The Division is located at 455 Golden Gate Avenue, 9th Floor, San Francisco, California.

Please contact the Division's regulations coordinator, Ms. Marcela Reyes, at (415) 703-4600 to arrange to inspect the rulemaking file.

The specific modifications proposed include changes to the text of the proposed amendments Title 8, California Code of Regulations, Section 9880 (Written Notice to New Employees), Section 9881 (Posting of Notice to Employees), Section 9881.1 (Notice to Employees Poster), and Section 10118.1 (Workers' Compensation Claim Form [DWC 1] and Notice of Potential Eligibility).

DOCUMENTS SUPPORTING THE RULEMAKING FILE

Print outs of emails to and from various interested parties concerning the Division's proposed changes have been added to the rulemaking file.

AUTHORITY AND REFERENCE

In addition to the references cited previously, Assembly Bill 227 added to the Labor Code sections 139.5, 4658.5 and 4685.6 (effective January 1, 2004). These sections provide for a new benefit entitled supplemental job displacement benefits and remove the entitlement to vocational rehabilitation. Senate Bill 228 added section 4604.5 to the Labor Code (effective January 1, 2004), which limits the amount of chiropractic visits and physical therapy visits.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

Deletions from the codified regulatory text are indicated by strike-through, thus: ~~deleted language~~.

Additions to the codified regulatory text are indicated by underlining, thus: underlined language.

The proposed Forms (Notice to New Employees Poster and Workers' Compensation Claim Form [DWC 1] and Notice of Potential Eligibility) were presented without underlining or strike-through.

Proposed Text Noticed for This 15-Day Comment Period on Modified Text:

Deletions from the amended regulatory text, as proposed in May 2003, are indicated by double strike-through under-line, thus: ~~deleted language~~

Additions to the regulatory text, as proposed in May 2003, are indicated by a double underline, thus: added language.

Deletions from the Forms, as proposed in May 2003, are indicated by double strike-through, thus: ~~deleted language~~

Additions to the Forms, as proposed in May 2003, are indicated by a double underline, thus: added language.

SUMMARY OF PROPOSED CHANGES

Modifications to Section 9880

Written Notice to New Employees

Section 9880 is modified to include a requirement that the written notice to new employees include information on the right to obtain supplemental job displacement benefits. Assembly Bill 227 added to the Labor Code sections 139.5, 4658.5 and 4685.6 (effective January 1, 2004). These sections provide for a new benefit entitled supplemental job displacement benefits. Section 9880 was also amended to add these new Labor Code sections as references. The Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) regarding these changes.

Modifications to Section 9881

Posting of Notice to Employees

Section 9881 is modified to include a requirement that the Notice to Employees Poster include information on the right to obtain supplemental job displacement benefits. Assembly Bill 227 added to the Labor Code sections 139.5, 4658.5 and 4685.6 (effective January 1, 2004). These sections provide for a new benefit entitled supplemental job displacement benefits. Section 9880 was also amended to add these new Labor Code sections as references. The Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) regarding these changes.

Modifications to Section 9881.1

Notice to Employees Poster

Section 9881.1 is modified to include language explaining the employee's right to supplemental job displacement benefits. Assembly Bill 227 added to the Labor Code sections 139.5, 4658.5 and 4685.6 (effective January 1, 2004). These sections provide for a new benefit entitled supplemental job displacement benefits. Senate Bill 228 added section 4604.5 to the Labor Code (effective January 1, 2004), which limits the amount of chiropractic visits and physical therapy visits. This limitation has also been included in the Notice of Potential Eligibility. The Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) regarding these changes. On the Spanish version of the poster, a few

grammatical corrections were made. Section 9881.1 was also amended to add these new Labor Code sections as references.

Modifications to Section 10118.1

Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

Section 10118.1 is modified to include language explaining the employee's right to supplemental job displacement benefits. The language is included in the Notice of Potential Eligibility. Assembly Bill 227 added to the Labor Code sections 139.5, 4658.5 and 4685.6 (effective January 1, 2004). These sections provide for a new benefit entitled supplemental job displacement benefits. Senate Bill 228 added section 4604.5 to the Labor Code (effective January 1, 2004), which limits the amount of chiropractic visits and physical therapy visits. This limitation has also been included in the Notice of Potential Eligibility. The Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) regarding these changes. On the English version of the NOPE, two commas were added. On the Spanish version of the NOPE, a few grammatical corrections were made. Section 10118.1 was also amended to add these new Labor Code sections as references.